

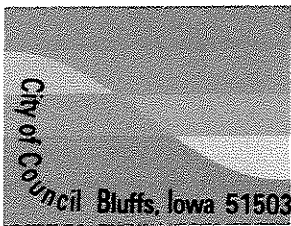
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, April 28, 2008
3:45 P.M.**

- A. Housing Update
Presented by Maureen Eiler
- B. 911 Emergency System
Presented by Sheriff Jeff Danker
- C. Update on State Contractor Licensing
Presented by Dan Woellhof
- B. Review of Agenda





CITY CLERK
(712) 328-4616

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING APRIL 28, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. PROCLAMATION

- A. *National Preservation Month*

4. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the April 14, 2008 regular Council meeting
- C. Ordinance 5982, amending the zoning map by changing the district designation of certain grounds consisting of approximately 424 acres in five tracts of land which were recently annexed, located directly east of the MidAmerican Energy Plant
- D. Resolution 08-115, ordering the clerk to publish notice and setting public hearing for May 12, 2008 at 7:00 p.m. to rename West South Omaha Bridge Road to Veteran's Memorial Highway

5. PUBLIC HEARINGS:

- A. Resolution 08-116, authorizing disposal of certain City property by granting a perpetual fiber optic cable easement to MidAmerican Energy
- B. Resolution 08-117, authorizing disposal of certain City property by granting a perpetual electric and communication easement to MidAmerican Energy
- C. Resolution 08-118, authorizing disposal of certain City property by granting a perpetual construction and access easement to Southwest Iowa Renewable Energy LLC
- D. Resolution 08-119, granting final plat approval for Legacy Family Campus Subdivision Phase 2
- E. Resolution 08-120, authorizing disposal of certain utility easement rights north of Avenue G and South of Avenue J between North 14th and North 15th Streets, City of Council Bluffs, Pottawattamie County, Iowa
- F. Resolution 08-121, authorizing disposal of City property legally described as the North 39 feet of the East 10 feet of Lot 8 and the North 39 feet of Lot 9, Block 15, William's First Addition

6. ORDINANCES ON SECOND READING:

- A. Ordinance 5995, amending the Municipal Code, Title 13 entitled "Buildings and Construction", Chapter 13.21 entitled "Property Maintenance Code" by adding Section 13.21.068 entitled "Extermination" to be codified



7. ORDINANCES ON FIRST READING:

- A. Ordinance 5996, amending Chapter 1.10 "Administration and Personnel" of the Municipal Code by repealing and reenacting Section 1.10.020 "Compensation of Mayor"
- B. Ordinance 5997, amending the zoning map by changing the district designation of certain grounds located along 5th Avenue East and West of South 21st Street in Council Bluffs from its present designation as C-1/Commercial to R-2/Two Family Residential
- C. Ordinance 5998, amending Chapter 17.09 "Inspections" of the Municipal Code by amending Section 17.09.020 "Landlord and operators of rental property to register with city" to waive rental registration fees for property managed through the Municipal Housing Agency of Council Bluffs

8. RESOLUTIONS:

- A. Resolution 08-108, authorizing the Mayor and City Clerk to execute an agreement with HDR Engineering, Inc., for engineering services in connection with the traffic signal systems evaluation and programming
- B. Resolution 08-122, authorizing the Mayor and City Clerk to execute an agreement with Leazenby Construction, Inc. for the Broadway Streetscape – Phase I also called Downtown Streetscape – Phase VII – Broadway
- C. Resolution 08-123, authorizing that unreimbursed costs incurred by the City for the removal of nuisances found on certain properties be assessed against said properties
- D. Resolution 08-124, authorizing that unreimbursed costs incurred by the City for the abatement of weeds found upon certain properties be assessed against said properties
- E. Resolution 08-125 imposing penalties against MJ's Pizza & Brews, 2752 West Broadway, for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one
- F. Resolution 08-126, imposing penalties against The Longest Yard Sports Bar & Grill, 2411 South 24th Street, for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one
- G. Resolution 08-127, imposing penalties against Spillway Bar & Grill, 1840 Madison Avenue, for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one
- H. Resolution 08-128 authorizing the Mayor to execute an Order Accepting the Acknowledgement Settlement Agreement from Scott Street pub, 25 Scott Street, for a violation of Iowa Code Section 453A.2(1)
- I. Resolution 08-129 authorizing the Mayor to execute an Order Accepting the Acknowledgement Settlement Agreement from Travel Centers of America, Inc., 3210 South 7th Street, for a violation of Iowa Code Section 453A.2(1)

- J. Resolution 08-130 authorizing the Mayor to execute an Order Accepting the Acknowledgement Settlement Agreement from Mario's Bar and Laundry, 719 South Main Street for a violation of Iowa Code Section 453A.2(1)
- K. Resolution 08-131 authorizing the Mayor and City Clerk to execute an agreement with Collins Properties, Inc. for the Mid-City Trail Grading, Phase I Project
- L. Resolution 08-132 accepting the work of Metro Crossing LLC in connection with Metro Crossing Development Agreement
- M. Resolution 08-133 authorizing the Mayor to execute a service agreement between the City of Council Bluffs and the Council Bluffs Area Chamber of Commerce
- N. Resolution 08-134 setting dates of a consultation and a public hearing on proposed amendment no. 1 to the old Airport Urban Renewal Plan for the City of Council Bluffs, Iowa
- O. Resolution 08-135 directing the advertisement for sale of \$7,615,000 general obligation bonds, Series 2008, and approving electronic facsimile bidding procedures
- P. Resolution 08-136, accepting the completion of the Bayliss Park Project and directing the Interim Director of Finance to release the balance to finish, including retainage of \$162,769.00 in 30 days
- Q. Resolution 08-137 granting construction and access easement to the Board of Water Works Trustees

9. CITIZEN LETTERS

10. RECEIVE AND FILE ITEMS:

- A. Cash Balance Statement, March 31, 2008
- B. March 31, 2008 List of Bills
- C. Three Notices of Claims

11. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Salvage yard License Application, Cox Contracting Company, Inc.
- B. Application for Special Events, Celebrate CB, May 9 thru 17, 2008
- C. Application for Special Events, Blues Amusements, in conjunction with Celebrate CB

12. CITIZENS REQUEST TO BE HEARD:

13. ADJOURNMENT

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor Tom Hanafan at 7:00 p.m., April 14, 2008.
ATTENDANCE	Present: Council members Darren Bates, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Tom Hanafan. Absent: Council member Scott Belt Staff present: Richard Wade, City Attorney; Judith Ridgeley, City Clerk
PROCLAMATIONS	Mayor Hanafan read a proclamation declaring Parkinson's Disease Awareness Month. Mayor Hanafan read a proclamation declaring April as Architecture Month. Bob Bergen was present to accept the Architecture proclamation.
CONSENT AGENDA	Walsh and Bates moved and seconded approval of the Consent Agenda as presented: Unanimous
PUBLIC HEARINGS Resolution 08-81	Held public hearing authorizing disposal of City property legally described as the west ½ of Lot 4, Block 13, Grimes Addition. Walsh and Bates moved and seconded approval of Resolution 08-81. Unanimous
Resolution 08-96	Held public hearing instituting proceedings to take additional action for the issuance of not to exceed \$6,621,000 general obligation bonds, Series 2008. Branigan and Walsh moved and seconded approval of Resolution 08-96. Unanimous
Resolution 08-97	Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$255,000 general obligation bonds, Series 2008. Branigan and Schultz moved and seconded approval of Resolution 08-97. Unanimous
Resolution 08-98	Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$105,000 general obligation bonds, Series 2008. Branigan and Bates moved and seconded approval of Resolution 08-98. Unanimous
Resolution 08-99	Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$600,000 general obligation bonds, Series 2008. Walsh and Schultz moved and seconded approval of Resolution 08-99. Unanimous
Resolution 08-100	Held public hearing instituting proceedings to take additional action for the authorization and issuance of not to exceed \$430,000 general obligation bonds, Series 2008. Branigan and Bates moved and seconded approval of Resolution 08-100. Unanimous
Resolution 08-101	Held public hearing to vacate and dispose of the East/West alley abutting Lot 8 and Lot 9 and the East 115 feet of Lot 7, Block 5, Park Addition, City of Council Bluffs, Pottawattamie County, Iowa. Branigan and Walsh moved and seconded approval of Resolution 08-101. Unanimous
Resolution 08-102	Held public hearing approving the plans, specifications, form of contract and cost estimate for the 31 st Street Improvements, Phase

RECORD OF PROCEEDINGS

II, 2nd Avenue to Avenue B. Branigan and Schultz moved and seconded approval of Resolution 08-102. Unanimous

Ordinance 5979

Held public hearing to amend zoning map by changing district designation of property located at 1500 North Broadway from R-1/Single Family Residential to R-3/Low Density Multi-Family Residential with planned residential overlay. Emmett Kinley, 134 North Drive spoke in favor of the ordinance. Branigan and Bates moved and seconded approval of Ordinance 5979. Unanimous.

Walsh and Schultz moved and seconded to waive third reading of Ordinance 5979. Unanimous

Ordinance 5981

Held public hearing to amend the zoning map by changing district designation of property located at 427 21st Avenue from R-2/Two Family Residential to C-2/Commercial. Roberta Jay, 522 22nd Avenue, and Gary Slatten, 1915 S 8th were present in opposition of the ordinance. Mike Collins, 520 21st Avenue, was present in support of the rezoning. Bates moved to approve Ordinance 5981. The motion died due to lack of a second. Branigan and Walsh moved to deny Ordinance 5981. Schultz moved to amend the motion and to continue Ordinance 5981 until the regular meeting June 9, 2008 at 7:00 p.m. Bates seconded the motion. Branigan and Walsh withdrew the motion to deny the rezoning and concurred with the amended motion. Unanimous

Ordinance 5982

Held public hearing to amend the zoning map by changing district designation of property consisting of approximately 424 acres in five tracts of land which were recently annexed, located directly east of the MidAmerican Energy Plant. Walsh and Schultz moved and seconded approval of Ordinance 5982. Unanimous

ORDINANCES ON SECOND READING

Ordinance 5983, 5984, 5985, 5986, 5987, 5988, 5989, 5990, 5991, 5992 and 5993

Walsh and Branigan moved and seconded approval of eleven ordinances amending portions of the Municipal Code, Title 13, Building and Construction provisions. Unanimous

Branigan and Schultz moved and seconded to waive third reading of the above eleven ordinances amending portions of the Municipal Code regarding building and construction provisions. Unanimous

ORDINANCES ON FIRST READING

Ordinance 5995

Branigan and Bates moved and seconded introduction of Ordinance 5995, amending Title 13 of the Municipal Code, Buildings and Construction, Chapter 13.21 entitled Property Maintenance Code by adding Section 13.21.068 entitled "Extermination" Unanimous

Ordinance 5996

Schultz and Branigan moved and seconded to continue Ordinance 5996, regarding compensation of Mayor, until the regular meeting on April 28, 2008 at 7:00 p.m. 3 Aye, 1 Nay (Walsh)

RESOLUTIONS

Resolution 08-103

Branigan and Schultz moved and seconded approval of Resolution 08-103, adopting a Planned Residential Plan for Hospice of Southwest Iowa. Unanimous

Resolution 08-104

Branigan and Schultz moved and seconded to amend Resolution 08-104 by placing the agreement under the governance of Iowa statutes. Unanimous. Vote on Resolution 08-104 as amended.

RECORD OF PROCEEDINGS

Unanimous

Resolution 08-105 Walsh and Bates moved and seconded approval of Resolution 08-105 authorizing the Mayor to execute the Order Accepting Acknowledgement/Settlement from Larosita, LLC for a second violation of Iowa's tobacco laws. Unanimous

Resolution 08-106 Branigan and Bates moved and seconded approval of Resolution 08-106, authorizing the Mayor to execute the Order Accepting Acknowledgement/Settlement Agreement from Sapp Bros, for a violation of Iowa Code Section 453A.2(1). Unanimous

Resolution 08-107 Branigan and Schultz moved and seconded approval of Resolution 08-107, authorizing the Mayor to execute Order Accepting Acknowledgement/Settlement Agreement from Tobacco Hut 6 for a violation of Iowa's tobacco laws. Unanimous

Resolution 08-108 Schultz and Branigan moved and seconded approval of Resolution 08-108, authorizing the Mayor to execute agreement with HDR Engineering, Inc., for engineering services in connection with the traffic signal systems evaluation and programming. 2 Aye, 2 Nay (Bates, Walsh) Motion failed.

Resolution 08-108 Branigan and Bates moved and seconded approval of Resolution 08-109, amending the use of B-08 Community Development Block Grant Funds, Home Investment Partnership Funds, and American Dream Downpayment Assistance Funds. Unanimous

Resolution 08-110 Branigan and Walsh moved and seconded approval of Resolution 08-110, directing the Mayor to award the 30 and 40 cubic yard container bid to Gregory Container, Inc. Unanimous

Resolution 08-111 Walsh and Bates moved and seconded approval of Resolution 08-111, authorizing the Mayor to enter into agreement and award bid to Leazenby Const. for the Valley View Greenway Trail project. Unanimous

MAYOR APPOINTMENTS Walsh and Schultz moved and seconded to concur with the Mayor's appointments to: Citizen/Police Advisory Board, Civil Service Commission, City Planning Commission, and Council Bluffs Plumbing Board of Appeals. Unanimous

CITIZEN'S LETTERS Received from Shirley Linder, regarding dead tree removal.

RECEIVE AND FILE ITEMS Branigan and Walsh moved and seconded to receive and file the Audit Report for FY 6/30/07; four notices of claims; and two notices of expiration of right of redemption. Unanimous

APPLICATIONS FOR PERMITS OR CANCELLATIONS Walsh and Bates moved and seconded approval of renewal of liquor license for Tobacco Hut #14. 3 Aye, 1 Nay (Schultz)

Bates and Walsh moved and seconded approval of renewal of liquor licenses for the following establishments: Council Bluffs Country Club, D & S Express, Kum & Go #219, Kum & Go #220, Red Lobster, Vino's Lounge, and Woods Sporting Goods. Unanimous

RECORD OF PROCEEDINGS

CITIZEN'S REQUEST TO BE HEARD

Ms. Shirley Linder spoke to Council regarding the debt owed the City for removal of dead trees.

Ms. Connie Stall, 2901 Avenue C, expressed her concern with graffiti and vandalism in her neighborhood; and the water problems being experienced by residents since 29th Street was resurfaced.

OTHER BUSINESS

Schultz moved to suspend action by the Mayor & City Staff from moving the automobile exception ordinance to the Planning Commission until further notice by the City Council. Walsh seconded. Unanimous

ADJOURNMENT

Schultz and Bates moved and seconded to adjourn the meeting at 8:12 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

ATTEST:

Thomas P. Hanafan, Mayor

Judith H. Ridgeley, City Clerk

Council Communication

Department: mayor	Ordinance No.	Date: <u>April 28, 2008</u>
Case/Project No.	Resolution No. _____	
Applicant. Inky Westfall		
Subject/Title		
Preservation Month Proclamation 4/28/08 CC mtg		
Background/Discussion		
See attachment		
Recommendation		
Please approve.		

Department Head Signature

Mayor Signature

3A

City of Council Bluffs Iowa

Office of the Mayor Proclamation

- WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and
- WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and
- WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and
- WHEREAS, “This Place Matters” is the theme for Council Bluffs Preservation Month 2008, cosponsored by the Historic Preservation Commission and the National Trust for Historic Preservation.

NOW, THEREFORE, I
Thomas P. Hanafan, Mayor
of the
city of Council Bluffs, Iowa
do hereby proclaim
May 2008
as

National Preservation Month

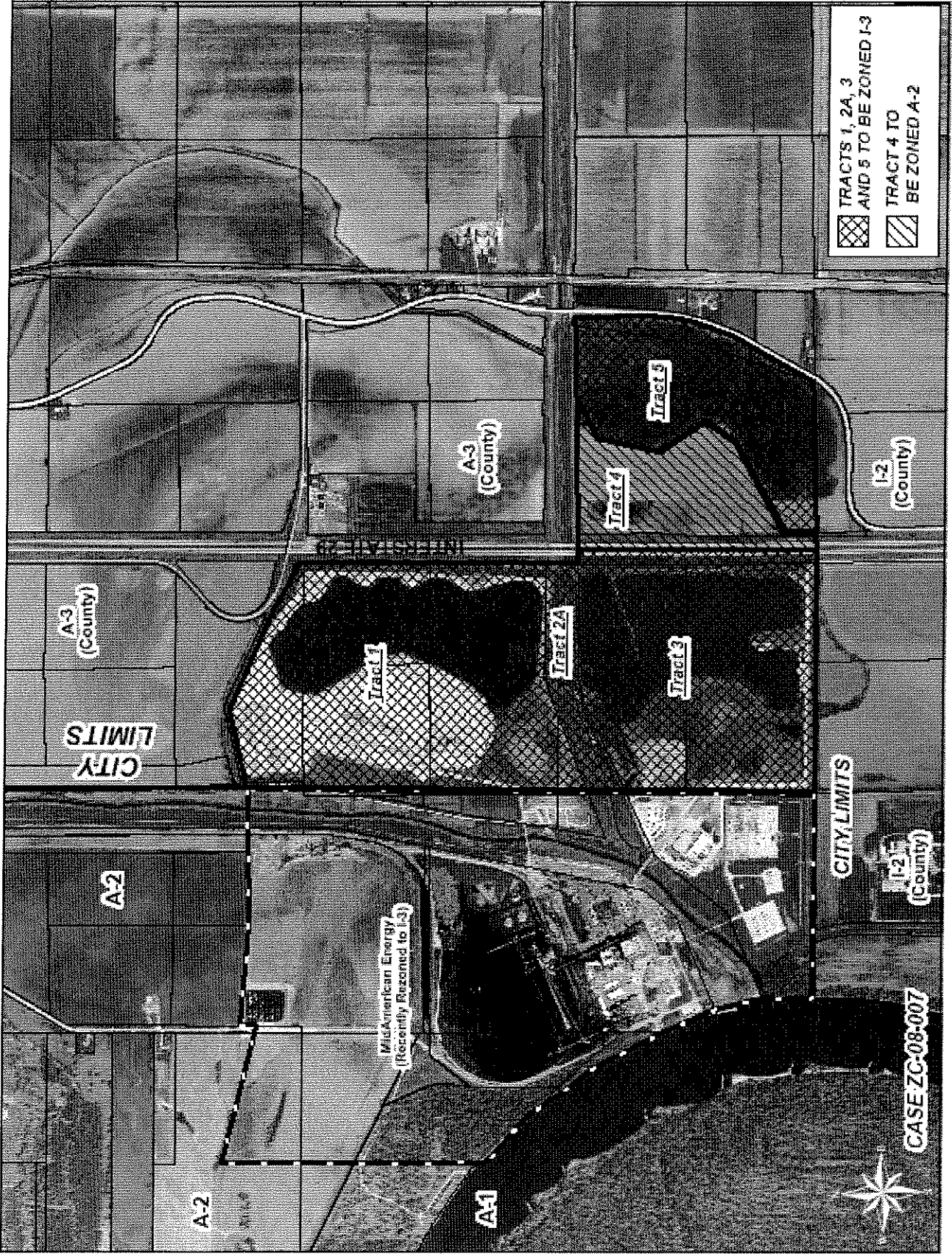
In the city of Council Bluffs, Iowa and call upon all residents of this historic city to join me in supporting the goals of Preservation Month and participating in this special observation.

IN WITNESS WHEREOF, I have caused my signature and the official seal of the city of Council Bluffs, Iowa to be affixed hereto this 28th day of April, Two Thousand and Eight.

Thomas P. Hanafan, Mayor

Council Communication

Department: Community Development Case #ZC-08-007 Applicant: Community Development Department	Ordinance No. <u>5982</u>	City Council: 3/24/08 Planning Commission: 3/11/08 First Reading: <u>March 24, 2008</u> Second Reading: <u>April 14, 2008</u> Third Reading: <u>April 28, 2008</u>
Subject		
Request of the Community Development Department to rezone approximately 424 acres in five tracts of land, which were recently annexed, located directly east of the MidAmerican Energy plant as shown on the attached map and legally described on attached Exhibit 'A'.		
Background		
On December 10, 2007, the City Council adopted Resolution No. 07-425 approving voluntary annexation of approximately 424 acres of land directly east of the Walter E. Scott, Jr. Energy Center and abutting the City's southeast corporate boundary. The annexation was approved by the Secretary of State on January 15, 2008. The majority of the annexed property is owned by MidAmerican Energy with Tract 4 being owned by Robert D. Adkins Sons. The Municipal Code requires rezoning recently annexed land to the City's classification system, consistent with the intent of the comprehensive plan. Tracts 1, 2A and 3, which are currently zoned I-2/General Industrial in the County's classification system, are to be rezoned to I-3/Heavy Industrial. Tract 4, currently A-3/River Front and Agricultural Production District, is to be rezoned to A-2/Parks, Estates and Agricultural.		
Discussion		
Changes are not expected to the use of this land. The Adkins land is farmed and will remain in agricultural use. The MidAmerican Energy land is used to support the power plant and will not be available for future development. No changes are expected to the operation the drainage district. However, future development east of Tract 5 is expected in the near future. The annexation was the initial step to assure that the expected development annexed in a timely manner so that municipal improvements/infrastructure can be designed and extended.		
Both the city and the County are completing an amendment to the future land use plan in the two-mile extra territorial jurisdiction for this area from Agricultural to Industrial.		
Recommendation		
The Community Development Department recommends rezoning Tracts 1, 2A and 3 (as described) from I-2/General Industrial to I-3/Heavy Industrial; rezoning Tract 4 (as described) from A-3/River Front and Agricultural Production District to A-2/Parks, Estates and Agricultural.; and rezoning Tract 5 (as described) from A-3/River Front and Agricultural Production District to I-3/Heavy Industrial.		
Public Hearing		
Gayle Malmquist, Community Development Department and Tom Saccoman, MidAmerican Energy appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission to City Council		
The Planning Commission recommends rezoning:		
1. Tracts 1, 2A and 3 as described elsewhere from I-2/General Industrial (County) to I-3/Heavy Industrial (City).		
2. Tract 4 as described elsewhere from A-3/River Front and Agricultural Production District (County) to A-2/Parks, Estates and Agricultural (City).		
3. Tract 5 as described elsewhere from A-3/River Front and Agricultural Production District (County) to I-3/Heavy Industrial (City).		
VOTE: Aye 8 Nay 0 Abstain 0 Absent 3 Motion Carried.		
Attachments: Exhibit 'A' and map showing proposed rezoning area and surrounding zoning.		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



TRACTS 1, 2A, 3
AND 5 TO BE ZONED I-3

TRACT 4 TO
BE ZONED A-2

CASE ZC-08-007

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 5982

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY CONSISTING OF APPROXIMATELY 424 ACRES IN FIVE TRACTS OF LAND, WHICH WERE RECENTLY ANNEXED, LOCATED DIRECTLY EAST OF THE MIDAMERICAN ENERGY PLANT.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises consisting of approximately 424 acres in five tracts of land located directly east of the MidAmerican Energy Plan, as follows:

Tracts 1, 2A and 3 from I-2/General Industrial to I-3/Heavy Industrial;
Tract 4, from A-3/River Front and Agricultural Production to A-2/Parks, Estates and Agricultural; and
Tract 5 from A-3 River Front and Agricultural Production to I-3/Heavy Industrial.

See Exhibit "A" for complete legal descriptions.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED April 28, 2008

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: March 24, 2008
SECOND CONSIDERATION: April 14, 2008
PUBLIC HEARING: April 14, 2008
THIRD CONSIDERATION: April 28, 2008

Planning Case No. ZC-08-007

EXHIBIT 'A'
CASE #ZC-08-007

LEGAL DESCRIPTION – TRACT 1

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, A PORTION OF THE NORTHEAST QUARTER AND A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 30, NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 2266.20 FEET, MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PONY CREEK, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 376.23 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 1321.33 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, NORTH 00 DEGREES 46 MINUTES 21 SECONDS EAST, 517.46 FEET, MORE OR LESS TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MOSQUITO CREEK;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1. NORTH 13 DEGREES 20 MINUTES 39 SECONDS EAST, 820.61 FEET;
2. NORTH 01 DEGREE 30 MINUTES 51 SECONDS WEST, 693.39 FEET, MORE OR LESS TO A POINT ON THE NORTH PROPERTY LINE OF MIDAMERICAN ENERGY COMPANY PROPERTY;

THENCE ALONG SAID NORTH LINE THE FOLLOWING 9 COURSES:

1. NORTH 68 DEGREES 36 MINUTES 14 SECONDS EAST, 117.54 FEET;
2. NORTH 77 DEGREES 47 MINUTES 21 SECONDS EAST, 346.86 FEET;
3. SOUTH 87 DEGREES 09 MINUTES 29 SECONDS EAST, 451.63 FEET;
4. SOUTH 61 DEGREES 02 MINUTES 48 SECONDS EAST, 783.12 FEET;
5. SOUTH 06 DEGREES 35 MINUTES 58 SECONDS WEST, 33.90 FEET;
6. SOUTH 60 DEGREES 53 MINUTES 50 SECONDS EAST, 196.84 FEET;
7. SOUTH 39 DEGREES 51 MINUTES 41 SECONDS EAST, 70.32 FEET;
8. SOUTH 53 DEGREES 52 MINUTES 53 SECONDS EAST, 223.72 FEET
9. SOUTH 68 DEGREES 21 MINUTES 39 SECONDS EAST, 293.45 FEET, MORE OR LESS TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 29;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

1. SOUTH 02 DEGREES 02 MINUTES 35 SECONDS WEST, 1201.43 FEET;
2. SOUTH 05 DEGREES 45 MINUTES 44 SECONDS WEST, 200.40 FEET;
3. SOUTH 02 DEGREES 02 MINUTES 35 SECONDS WEST, 1142.00 FEET, MORE OR LESS TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF PONY CREEK;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

1. NORTH 88 DEGREES 17 MINUTES 00 SECONDS WEST, 881.77 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1328.24 FEET;
2. SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 28 MINUTES 45 SECONDS, 544.30 FEET;
3. SOUTH 67 DEGREES 43 MINUTES 02 SECONDS WEST, 1012.39 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 171.1 ACRES, MORE OR LESS.

LEGAL DESCRIPTION – TRACT 2A

A STRIP OF LAND, 300.00 FEET IN WIDTH, BEING A PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 1940.12 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PONY CREEK, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 326.08 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID PONY CREEK;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

1. NORTH 67 DEGREES 43 MINUTES 02 SECONDS EAST, 1012.39 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1328.24 FEET;
2. NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 28 MINUTES 45 SECONDS, 544.30 FEET;
3. SOUTH 88 DEGREES 17 MINUTES 00 SECONDS EAST, 881.77 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 29;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 02 DEGREES 02 MINUTES 35 SECONDS WEST, 300.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID PONY CREEK;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

1. NORTH 88 DEGREES 17 MINUTES 00 SECONDS WEST, 880.06 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 972.79 FEET;
2. SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24 DEGREES 37 MINUTES 55 SECONDS, 418.21 FEET;
3. SOUTH 67 DEGREES 43 MINUTES 01 SECOND WEST, 1141.02 FEET TO THE TRUE POINT OF BEGINNING;

SAID STRIP OF LAND CONTAINS AN AREA OF 16.8 ACRES, MORE OR LESS.

LEGAL DESCRIPTION – TRACT 3

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 1940.12 FEET, MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF PONY CREEK;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

1. NORTH 67 DEGREES 43 MINUTES 01 SECOND EAST, 1141.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 972.79 FEET;
2. EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24 DEGREES 37 MINUTES 55 SECONDS, 418.21 FEET;
3. SOUTH 88 DEGREES 17 MINUTES 00 SECONDS EAST, 1030.05 FEET, MORE OR LESS TO THE CENTERLINE OF INTERSTATE 29;

THENCE ALONG SAID CENTERLINE THE FOLLOWING 3 COURSES:

1. SOUTH 02 DEGREES 02 MINUTES 35 SECONDS WEST, 862.35 FEET;
2. SOUTH 01 DEGREE 23 MINUTES 38 SECONDS WEST, 774.89 FEET;
3. SOUTH 00 DEGREES 45 MINUTES 16 SECONDS WEST, 855.20 FEET, MORE OR LESS TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER;

THENCE ALONG SAID SOUTH LINE, NORTH 88 DEGREES 17 MINUTES 16 SECONDS WEST, 2460.68 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 133.2 ACRES, MORE OR LESS.

LEGAL DESCRIPTION – TRACT 4

A PARCEL OF LAND BEING ALL OF GOVERNMENT LOT 4 IN THE SOUTHWEST QUARTER OF SECTION 29 AND A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 30, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, NORTH 88 DEGREES 17 MINUTES 16 SECONDS WEST, 175.45 FEET, MORE OR LESS TO THE CENTERLINE OF INTERSTATE 29;

THENCE ALONG SAID CENTERLINE, NORTH 00 DEGREES 45 MINUTES 16 SECONDS EAST, 233.64 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID CENTERLINE THE FOLLOWING 3 COURSES:

1. NORTH 00 DEGREES 45 MINUTES 16 SECONDS EAST, 621.56 FEET;
2. NORTH 01 DEGREE 23 MINUTES 38 SECONDS EAST, 774.89 FEET;
3. NORTH 02 DEGREES 02 MINUTES 35 SECONDS EAST, 802.48 FEET, MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF PONY CREEK;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING 9 COURSES:

1. SOUTH 88 DEGREES 48 MINUTES 24 SECONDS, 263.63 FEET;
2. SOUTH 01 DEGREE 11 MINUTES 04 SECONDS WEST, 15.00 FEET;
3. SOUTH 88 DEGREES 48 MINUTES 42 SECONDS EAST, 175.00 FEET;
4. NORTH 01 DEGREE 11 MINUTES 04 SECONDS EAST, 15.00 FEET;
5. SOUTH 88 DEGREES 48 MINUTES 32 SECONDS EAST, 954.51 FEET;
6. SOUTH 01 DEGREE 11 MINUTES 04 SECONDS WEST, 15.00 FEET;
7. SOUTH 88 DEGREES 48 MINUTES 30 SECONDS EAST, 125.00 FEET;
8. NORTH 01 DEGREE 11 MINUTES 04 SECONDS EAST, 15.00 FEET;
9. SOUTH 88 DEGREES 48 MINUTES 44 SECONDS EAST, 86.19 FEET TO A POINT ON THE GOVERNMENT MEANDER LINE OF CARR LAKE;

THENCE ALONG SAID GOVERNMENT MEANDER LINE THE FOLLOWING 5 COURSES:

1. SOUTH 66 DEGREES 29 MINUTES 22 SECONDS WEST, 507.45 FEET;
2. SOUTH 13 DEGREES 09 MINUTES 49 SECONDS WEST, 660.09 FEET;
3. SOUTH 31 DEGREES 52 MINUTES 15 SECONDS EAST, 528.60 FEET;
4. SOUTH 34 DEGREES 45 MINUTES 02 SECONDS WEST, 362.88 FEET;
5. SOUTH 62 DEGREES 50 MINUTES 44 SECONDS WEST ALONG IT'S SOUTHWESTERLY PROLONGATION, 1254.50 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 50.4 ACRES, MORE OR LESS.

LEGAL DESCRIPTION – TRACT 5

A PARCEL OF LAND BEING THAT PART OF CARR LAKE LOCATED IN THE SOUTHWEST QUARTER AND LOT 5 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 1 AND A PORTION OF LOT 3 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 2 ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29 AND A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 30;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 30, NORTH 88 DEGREES 17 MINUTES 16 SECONDS WEST, 175.45 FEET TO A POINT ON THE CENTERLINE OF INTERSTATE 29;

THENCE ALONG SAID CENTERLINE, NORTH 00 DEGREES 45 MINUTES 16 SECONDS EAST, 233.64 FEET, MORE OR LESS TO A POINT ON THE SOUTHWESTERLY PROLONGATION OF THE GOVERNMENT MEANDER LINE OF CARR LAKE;

THENCE ALONG SAID GOVERNMENT MEANDER LINE THE FOLLOWING 5 COURSES:

1. NORTH 62 DEGREES 50 MINUTES 44 SECONDS EAST, 1254.50 FEET;
2. NORTH 34 DEGREES 45 MINUTES 03 SECONDS EAST, 362.88 FEET;
3. NORTH 31 DEGREES 52 MINUTES 15 SECONDS WEST, 528.60 FEET;
4. NORTH 13 DEGREES 09 MINUTES 49 SECONDS EAST, 660.09 FEET;
5. NORTH 66 DEGREES 29 MINUTES 22 SECONDS EAST, 507.45 FEET, MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF PONY CREEK

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

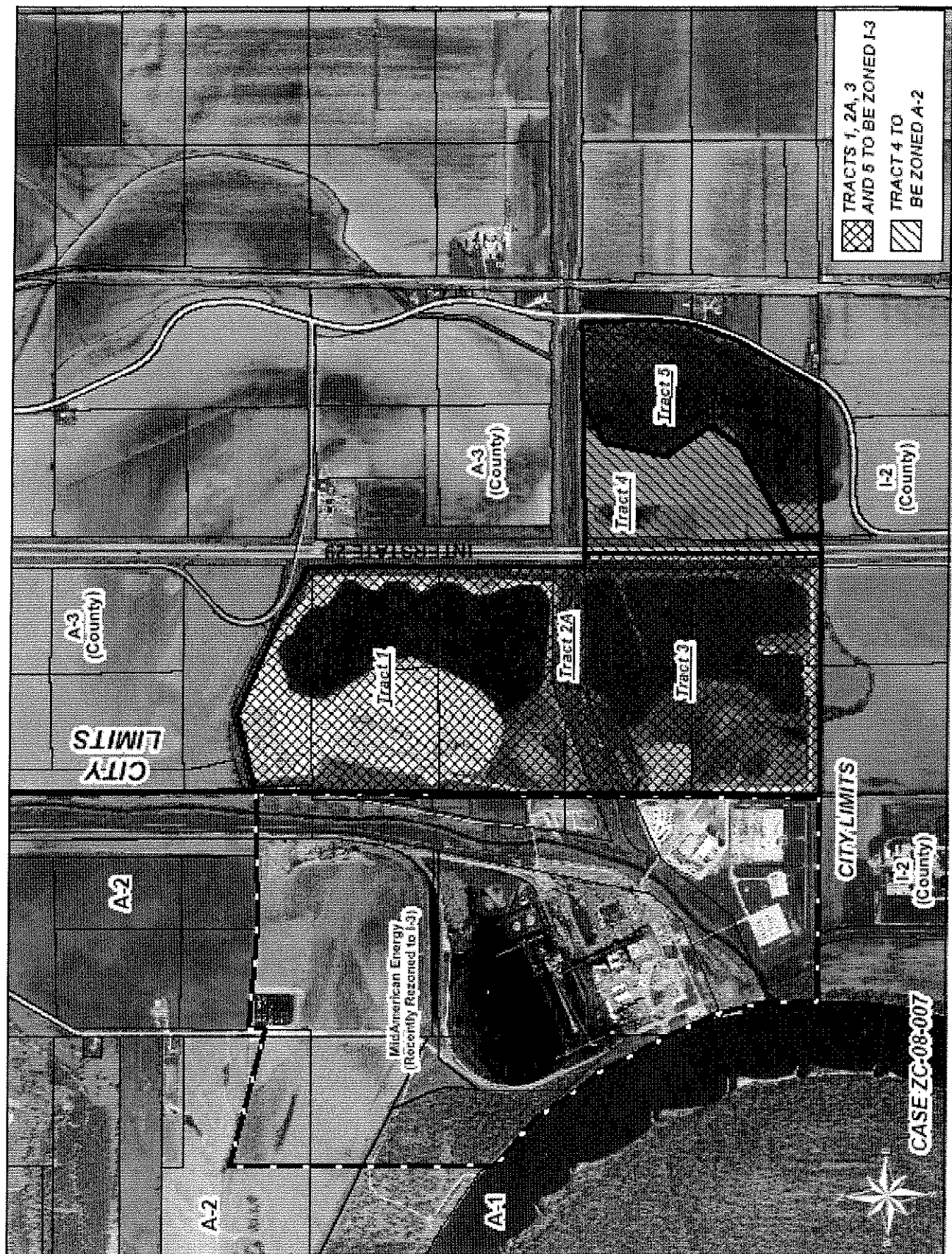
1. SOUTH 88 DEGREES 48 MINUTES 32 SECONDS EAST, 615.98 FEET;
2. NORTH 82 DEGREES 33 MINUTES 30 SECONDS EAST, 205.88 FEET, MORE OR LESS TO A POINT ON THE CENTERLINE OF 192nd STREET;

THENCE ALONG SAID CENTERLINE THE FOLLOWING 5 COURSES:

1. SOUTH 02 DEGREES 31 MINUTES 24 SECONDS WEST, 329.35 FEET;
2. SOUTH 06 DEGREES 15 MINUTES 50 SECONDS WEST, 816.42 FEET;
3. SOUTH 19 DEGREES 18 MINUTES 50 SECONDS WEST, 340.56 FEET;
4. SOUTH 24 DEGREES 40 MINUTES 50 SECONDS WEST, 345.84 FEET;
5. SOUTH 31 DEGREES 30 MINUTES 50 SECONDS WEST, 816.42 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF SAID SECTION 29;

THENCE ALONG SAID SOUTH LINE, NORTH 87 DEGREES 56 MINUTES 17 SECONDS WEST, 1520.93 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 52.4 ACRES, MORE OR LESS.



COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant _____

Ordinance No. _____
Resolution No. 08-115

Date: April 28, 2008

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on May 12, 2008, for the renaming of West South Omaha Bridge Road to Veterans Memorial Highway.

BACKGROUND/DISCUSSION

- The Mayor's Office received a request from American Legion Rainbow Post 2, Adjutants Office, to rename South Omaha Bridge Road to Veterans Memorial Highway. The limits of this proposed roadway name change will be from the Veterans Memorial Bridge over the Missouri River to the intersection of Harry Langdon Blvd. near Iowa School for the Deaf.
- The Public Works Department polled thirty-four (34) property owners with West South Omaha Bridge Road addresses and one (1) property owner with a East South Omaha Bridge Road address, as this property is within the designated area. The owners were listed by the Pottawattamie County Assessor's records. Ballots were due by April 10, 2008, and the results were as followed:

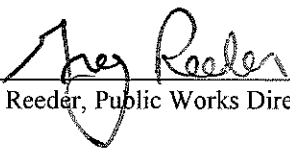
13 votes for name change
10 votes against name change
12 not responding

(See attached)

- Please note that should the roadway name change take place, the City of Council Bluffs Engineering Division will notify the affected residents by issuing "Address Change Notices." The city also sends "Address Change Notices" to the following: Council Bluffs Fire, Police, and Sanitation Dept., Pottawattamie County, Council Bluffs Water Works, Qwest, Aquila, MidAmerican Energy, Alltel, Cox Communications, and the United States Postal Service. There are four (4) addresses that should have a number and name change and thirty-one (31) will require only a name change.
- After residents are notified, the post office will continue to recognize and deliver mail to the existing South Omaha Bridge Road addresses for one (1) year. After one year, the post office will return mail with notice of corrected address. The post office will perform this notification of the address change to senders for a period of six (6) months.

RECOMMENDATION

Approval of this resolution.



Greg Reeder, Public Works Director/City Engineer

The Honorable Thomas P. Hanafan, Mayor

R E S O L U T I O N
NO. 08-115

**RESOLUTION ORDERING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING
TO RENAME WEST SOUTH OMAHA BRIDGE ROAD
TO VETERANS MEMORIAL HIGHWAY**

- WHEREAS, the city wishes to rename West South Omaha Bridge Road to Veterans Memorial Highway; and
- WHEREAS, roadway name change will be from the Veterans Memorial Bridge over the Missouri River to the intersection of Harry Langdon Blvd. near Iowa School for the Deaf; and
- WHEREAS, it is in the best interest of the City to rename this roadway to Veterans Memorial Highway

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing to rename West South Omaha Bridge Road to Veterans Memorial Bridge setting May 12, 2008 at 7:00 p.m as the date and time of said hearing.

ADOPTED
AND
APPROVED April 28, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

Supporting Name Change

100 E. S. Omaha Bridge
325 W. S. Omaha Bridge
531 W. S. Omaha Bridge
601 W. S. Omaha Bridge
704 ½ W. S. Omaha Bridge
800 W. S. Omaha Bridge
1201 W. S. Omaha Bridge
1301 W. S. Omaha Bridge
1705 W. S. Omaha Bridge
2105 W. S. Omaha Bridge
2405 W. S. Omaha Bridge
3802 W. S. Omaha Bridge
3903 W. S. Omaha Bridge

Not Supporting

101 W. S. Omaha Bridge
430 W. S. Omaha Bridge
501 W. S. Omaha Bridge
635 W. S. Omaha Bridge
727 W. S. Omaha Bridge
1403 W. S. Omaha Bridge
1629 W. S. Omaha Bridge
2601 W. S. Omaha Bridge
3102 W. S. Omaha Bridge
3104 W. S. Omaha Bridge

No Response

329 W. S. Omaha Bridge
401 W. S. Omaha Bridge
429 W. S. Omaha Bridge
600 W. S. Omaha Bridge
610 W. S. Omaha Bridge
630 W. S. Omaha Bridge
717 W. S. Omaha Bridge
1030 W. S. Omaha Bridge
1115 W. S. Omaha Bridge
1430 W. S. Omaha Bridge
3901 W. S. Omaha Bridge
4201 W. S. Omaha Bridge

Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No.	<u>08-116</u>
Applicant.		Date: <u>April 28, 2008</u>
SUBJECT/TITLE		
MidAmerican Energy is seeking two separate property interests from the City. The first is set out in a Fiber Optics Cable Easement Agreement and the second is entitled MidAmerican Energy Electric and Communications Easement.		
BACKGROUND		
<p>The reason for the Fiber Optic Cable Easement Agreement is to allow MEC the ability to grant third parties to have fiber optic lines on its poles. The language in this agreement is the same as the language in the agreement with the Council Bluffs Industrial Foundation regarding the routing of fiber optic lines for Google. It is limited to seven miles.</p> <p>The second document, MidAmerican Energy Electric and Communications Easement, addresses existing power lines that have been authorized to a certain extent by prior agreements, but this will address some changes in routing and use from what was initially approved.</p>		
RECOMMENDATION		
Approval of both resolutions is recommendation.		

Richard Wade

Department Head Signature

Mayor Signature

5 A

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-116

A RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING A PERPETUAL FIBER OPTIC CABLE EASEMENT TO MIDAMERICAN ENERGY.

WHEREAS, on April 14, this Council approved Resolution No. 08-112 which expressed the City's intent to dispose of certain City property by granting to MidAmerican Energy Company a perpetual fiber optic cable easement; and

WHEREAS, a public hearing in this matter has been held.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor shall execute the Perpetual Fiber Optic Cable Easement Agreement granting MidAmerican Energy certain rights for the purpose of constructing, maintaining and repairing a fiber optic cable system and appurtenances within the City.

ADOPTED
AND
APPROVED April 28, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

C.A. 4/28/08

Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No.	<u>08-117</u>
Applicant.	Date:	<u>April 28, 2008</u>
SUBJECT/TITLE		
MidAmerican Energy is seeking two separate property interests from the City. The first is set out in a Fiber Optics Cable Easement Agreement and the second is entitled MidAmerican Energy Electric and Communications Easement.		
BACKGROUND		
<p>The reason for the Fiber Optic Cable Easement Agreement is to allow MEC the ability to grant third parties to have fiber optic lines on its poles. The language in this agreement is the same as the language in the agreement with the Council Bluffs Industrial Foundation regarding the routing of fiber optic lines for Google. It is limited to seven miles.</p> <p>The second document, MidAmerican Energy Electric and Communications Easement, addresses existing power lines that have been authorized to a certain extent by prior agreements, but this will address some changes in routing and use from what was initially approved.</p>		
RECOMMENDATION		
Approval of both resolutions is recommendation.		

Richard Wade

Department Head Signature

Mayor Signature

5 B

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-117

A RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING A PERPETUAL ELECTRIC AND COMMUNICATIONS EASEMENT TO MIDAMERICAN ENERGY.

WHEREAS, on April 14, this Council approved Resolution No. 08-113 which expressed the City's intent to dispose of certain City property by granting a perpetual electric and communications easement to MidAmerican Energy Company; and

WHEREAS, a public hearing in this matter has been held.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

BE IT FURTHER RESOLVED

That the Mayor shall execute the Perpetual Electric and Communications Easement granting MidAmerican Energy certain rights for the purposes of constructing, reconstructing, operating, maintaining and removing electric transmission, distribution and communications lines including the necessary appurtenances.

ADOPTED
AND
APPROVED April 28, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____

Judith Ridgeley, City Clerk

Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No. <u>08-118</u>	Date: <u>April 28, 2008</u>
Applicant		
SUBJECT/TITLE		
<p>SIRE is requesting a construction and access easement from the Mosquito Creek Drainage District No. 22, and the City is the Board of Trustees for this district. This resolution is a follow-up to Council Resolution No. 08-114 which declared the City's intent to dispose of an interest in certain property to accommodate said easement.</p>		
BACKGROUND		
<p>SIRE wishes to construct a pipe to convey steam to its plant located south of town from MEC. To get there, the pipe must cross property under the control of the Mosquito Creek Drainage District. The City Council has the authority to grant this right.</p> <p>Consideration for this easement has not yet been determined, however, the City will need to obtain easements from SIRE to locate a sewer line from the Waste Water Treatment Plant to areas east of Interstate 29 and we are hopeful that the granting of these easements will serve as the only consideration needed for these transactions.</p>		
Recommendation		
<p>Staff recommends the approval of this resolution.</p>		

Richard Wade

Department Head Signature

Mayor Signature

51

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-118

A RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING A PERPETUAL CONSTRUCTION AND ACCESS EASEMENT TO SOUTHWEST IOWA RENEWABLE ENERGY, LLC.

WHEREAS, Southwest Iowa Renewable Energy, LLC, (SIRE) desires to acquire a perpetual construction and access easement from the Mosquito Creek Drainage District No. 22; and

WHEREAS, the City as the Board of Trustees for this District has the authority and is willing to grant said easement subject to the terms and conditions set forth in the Construction and Access Easement document; and

WHEREAS, a public hearing has been held in this matter as required by law.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

BE IT FURTHER RESOLVED

That the Mayor and appropriate City Staff are hereby authorized and directed to execute said easement agreement between the City and SIRE.

ADOPTED
AND
APPROVED April 28, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

C.A. 4/28/08

City Council Communication

Department: <u>Community Development</u> Case No. SUB-08-003 Applicant: Pottawattamie County Development Corporation, Attn: Sheryl Garst 7 No. 6 th St., P.O. Box 1565 Council Bluffs, IA 51502-1565	Resolution No. <u>08-119</u>	City Council – Public Hearing - <u>April 28, 2008</u>
Subject/Title - Final Plat Approval - Legacy Family Campus Subdivision Phase 2		
Background/Discussion <p>Pottawattamie County Development Corporation is requesting final plat approval for Phase 2 of the Legacy Family Campus Subdivision. This phase will create two lots on 6.556 acres lying between North 14th Street and vacated North 15th Street from north of Avenue 'G' to Avenue 'J'. The final plat for Legacy Family Campus Subdivision is generally consistent with the preliminary plan approved by City Council Resolution No. 07-226 on May 21, 2007. Resolution No. 07-268 approved the final plat for Phase 1 of the Legacy Family Campus on June 25, 2007. MICA House will be in Lot 2 and the remainder will be open space held in common ownership. Final plats are approved after a public hearing before the City Council.</p> <p>A portion of Phase 1 was rezoned to PC/Planned Commercial from C-2 Commercial and R-3/Low Density Multi-family Residential with adoption of Ordinance No. 5943 on June 11, 2007. The existing R-3 zoning is consistent with the 1994 Comprehensive Plan and proposed uses for Phase 2.</p> <p>All utilities are available to the site. Resolution No. 07-245 approved on June 11, 2007 vacated the streets/alleys from North 15th Street to the east. Easements were retained to assure utility availability until the last three parcels in Phase 2 were acquired, structures demolished and the services could be removed. Statements have been received from Cox Communications, Aquila and MidAmerican Energy allowing the release of their easements. Resolution No. 08-93 approved at the April 14, 2008 meeting set the public hearing on that action for the April 28, 2008 City Council meeting. Utility lines will be relocated as needed at the expense of the development. New service will be extended to each building and hydrants installed to comply with the minimum spacing requirements of the Water Works and the fire safety codes. In addition to the 30' wide sanitary sewer easement, a 5' wide utility easement is needed along the North 15th Street, Avenue 'J' and the southern line of Phase 2.</p>		
Recommendation: The Community Development Department recommends approval of the final plat for Legacy Family Campus Subdivision Phase 2 as shown on Attachment 'A', subject to the following: <ul style="list-style-type: none"> A. Prior to executing the final plat, all technical corrections required by the Community Development and/or Public Works Departments shall be incorporated into the final plat document, including but limited to adding a 5' wide utility easement around the outer perimeter of the subdivision (North 14th Street, the south boundary and included within the 30' sanitary sewer easement shown along Avenue 'J'). B. Prior to executing the final plat, the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department as sufficient to complete any remaining public improvements. C. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required public improvements. D. All utilities shall be installed underground. E. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for any relocation and installation of lines/conduit, service line easements and streetlight placement. F. Fire hydrants with the number and location as required by the fire/safety codes shall be active and accessible prior to initiation of any framing activity in Phase 2 of the subdivision. 		
Attachment: Final Plat – Attachment 'A' – 2 pages Gayle M. Malmquist, Development Services Coordinator		

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 08-119

A RESOLUTION granting final plat approval for Legacy Family Campus Subdivision Phase 2.

WHEREAS, Pottawattamie County Development Corporation has requested final plat approval for Phase 2 of the Legacy Family Campus Subdivision; and

WHEREAS, this phase will create two lots on 6.556 acres lying between North 14th Street and vacated North 15th Street from north of Avenue "G" to Avenue "J"; and

WHEREAS, the final plat is generally consistent with the preliminary plan approved by City Council Resolution No. 07-226 on May 21, 2007. Resolution No. 07-268 approved the final plat for Phase 1 of the Legacy Family Campus on June 25, 2007; and

WHEREAS, the Community Development Department recommends approval of the final plat for Legacy Family Campus Subdivision Phase 2, as shown on Attachment "A", subject to the following:

1. Prior to executing the final plat, all technical corrections required by the Community Development and/or Public Works Departments shall be incorporated into the final plat document, including but not limited to adding a 5' wide utility easement around the outer perimeter of the subdivision (North 14th Street, the south boundary and included within the 30' sanitary sewer easement shown along Avenue "J").
2. Prior to executing the final plat, the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department as sufficient to complete any remaining public improvements.
3. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required public improvements.
4. All utilities shall be installed underground.

5. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for any relocation and installation of lines/conduit, service line easements and streetlight placement.
6. Fire hydrants with the number and location as required by the fire/safety codes shall be active and accessible prior to initiation of any framing activity in Phase 2 of the subdivision.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for Legacy Family Campus Subdivision Phase 2, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND
APPROVED April 28, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Planning Case No. SUB-08-003

FINAL PLAT OF LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2 LOTS 1 AND 2 INCLUSIVE

Prepared by: Melvin G. Samples, HGM Associates, Inc., 640 Fifth Avenue, Council Bluffs, Iowa 51502 (712) 323-0530

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE THOMAS F. HANAFAN DATE

ATTESTED TO BY:

CITY CLERK: JUDITH H. RIDGELEY

COMMUNITY DEVELOPMENT DIRECTOR: DONALD GROSS

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: JUDY ANN MILLER

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.

- ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT OF REVIEW.

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOTS 1 AND 2 INCLUSIVE. SAID PROPERTY TO BE KNOWN AS LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2. POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA A PERPETUAL 30 FOOT SANITARY SEWER EASEMENT ON LOT 1 AS SHOWN ON THE DRAWING. THE DEDICATION OF THIS EASEMENT SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

EASEMENT RUNS WITH THE LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION, ITS SUCCESSORS OR ASSIGNS.

ERECTION OF STRUCTURES PROHIBITED: POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION, OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE: POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION, OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS: THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREIN DESCRIBED.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY SAID POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION, OR ITS SUCCESSORS OR ASSIGNS.

SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED TO GRADING AND SEEDING.

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD, OR OTHER IMPROVEMENT OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO SAID POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION, OR ITS SUCCESSORS OR ASSIGNS.

IN WITNESS WHEREOF, WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION PROPERTY AS CONTAINED HEREIN ON THIS

DAY OF 2008.

A.W. TAUKE, PRESIDENT

STATE OF IOWA }
COUNTY OF POTTAWATTAMIE } SS

ON THIS DAY OF 2008, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED A.W. TAUKE, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE PRESIDENT OF POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION, THAT NO SEAL HAS BEEN PROCURED BY SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID CORPORATION BY AUTHORITY OF ITS MEMBERS AND SAID POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID CORPORATION BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA
MY COMMISSION EXPIRES:

OWNER/DEVELOPER:
POTTAWATTAMIE COUNTY DEVELOPMENT CORPORATION
7 NORTH 6TH STREET
COUNCIL BLUFFS, IOWA 51503

CASE #SUB-08-003 ATTACHMENT A

LEGAL DESCRIPTION:

A PARCEL OF LAND, BEING A REPLAT OF ALL OF BLOCKS 9, 10 AND 15 IN POTTER AND COBB'S ADDITION AND ALL OF BLOCKS C, D AND E IN POTTER AND COBB'S 2nd ADDITION AND ALL OF THE VACATED STREETS AND ALLEYS WITHIN THE BOUNDARY OF THE FOLLOWING DESCRIBED PROPERTY, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 9, SAID CORNER BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 14th STREET;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 01 DEGREE 42 MINUTES 48 SECONDS WEST, 817.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 15;

THENCE ALONG THE SOUTH LINE OF SAID BLOCK 15 AND ALONG ITS WESTERLY PROLONGATION, NORTH 87 DEGREES 55 MINUTES 18 SECONDS WEST, 351.31 FEET;

THENCE NORTH 01 DEGREE 55 MINUTES 01 SECOND EAST, 805.82 FEET;


THENCE NORTH 79 DEGREES 00 MINUTES 44 SECONDS EAST, 49.47 FEET TO THE NORTHWEST CORNER OF SAID BLOCK C;

THENCE ALONG THE NORTH LINE OF SAID BLOCK C AND ALONG ITS EASTERLY PROLONGATION, SOUTH 87 DEGREES 55 MINUTES 08 SECONDS EAST, 300.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 6.556 ACRES, MORE OR LESS.

LEGEND

- F4 REBAR w/YELLOW PLASTIC CAP 5414
- ✕ F4 REBAR w/YELLOW PLASTIC CAP 10569
- ✕ F4 5/8"x30" REBAR w/ALUM CAP MARKED "HGM ASSOC. PLS 10569" OR AS NOTED IN DRAWING
- SET 5/8"x30" REBAR w/ALUM CAP MARKED "HGM ASSOC. PLS 10569" OR AS NOTED IN DRAWING
- ▨ VACATED STREETS AND ALLEYS WITH UTILITY RIGHTS RESERVED.
- ▨ PROPOSED 30" SANITARY SEWER EASEMENT.

	I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.	
	MELVIN G. SAMPLES	DATE 11-08
	License Number 10569	
	My license renewal date is December 31, 2008	
Pages or sheets covered by this seal: SHEET 1 AND 2 OF 2		

project LEGACY FAMILY CAMPUS SUBDIVISION
PHASE 2

client BAHR VERMEER HAECKER ARCHITECTS
1425 JONES STREET, OMAHA, NE 68102

DEF

DEF

MGS

approved

hgm
ASSOCIATES INC.

After checking to be sure, please
indicate by hand or computer how
the work on this project is
checked with the project
manager. If you are not
satisfied, please contact the
manager or the project manager
for more information.

City Council Communication

Department: <u>Community Development</u> Case No. SUB-08-003 Applicant: Pottawattamie County Development Corporation, Attn: Sheryl Garst 7 No. 6 th St., P.O. Box 1565 Council Bluffs, IA 51502-1565	Resolution No. <u>08-120</u>	City Council – Public Hearing - <u>April 28, 2008</u>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------	-------------------------------------------------------

Subject/Title - Final Plat Approval - Legacy Family Campus Subdivision Phase 2, and release of easements

Background/Discussion

Pottawattamie County Development Corporation is requesting final plat approval for Phase 2 of the Legacy Family Campus Subdivision. This phase will create two lots on 6.556 acres lying between North 14th Street and vacated North 15th Street from north of Avenue 'G' to Avenue 'J'. The final plat for Legacy Family Campus Subdivision is generally consistent with the preliminary plan approved by City Council Resolution No. 07-226 on May 21, 2007. Resolution No. 07-268 approved the final plat for Phase 1 of the Legacy Family Campus on June 25, 2007. MICAH House will be in Lot 2 and the remainder will be open space held in common ownership. Final plats are approved after a public hearing before the City Council.

A portion of Phase 1 was rezoned to PC/Planned Commercial from C-2 Commercial and R-3/Low Density Multi-family Residential with adoption of Ordinance No. 5943 on June 11, 2007. The existing R-3 zoning is consistent with the 1994 Comprehensive Plan and proposed uses for Phase 2.

All utilities are available to the site. Resolution No. 07-245 approved on June 11, 2007 vacated the streets/alleys from North 15th Street to the east. Easements were retained to assure utility availability until the last three parcels in Phase 2 were acquired, structures demolished and the services could be removed. Statements have been received from Cox Communications, Aquila and MidAmerican Energy allowing the release of their easements. Resolution No. 08-93 approved at the April 14, 2008 meeting set the public hearing on that action for the April 28, 2008 City Council meeting. Utility lines will be relocated as needed at the expense of the development. New service will be extended to each building and hydrants installed to comply with the minimum spacing requirements of the Water Works and the fire safety codes. In addition to the 30' wide sanitary sewer easement, a 5' wide utility easement is needed along the North 15th Street, Avenue 'J' and the southern line of Phase 2.

Recommendation: The Community Development Department recommends approval of the final plat for Legacy Family Campus Subdivision Phase 2 as shown on Attachment 'A', subject to the following:

- A. Prior to executing the final plat, all technical corrections required by the Community Development and/or Public Works Departments shall be incorporated into the final plat document, including but limited to adding a 5' wide utility easement around the outer perimeter of the subdivision (North 14th Street, the south boundary and included within the 30' sanitary sewer easement shown along Avenue 'J').
- B. Prior to executing the final plat, the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department as sufficient to complete any remaining public improvements.
- C. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required public improvements.
- D. All utilities shall be installed underground.
- E. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for any relocation and installation of lines/conduit, service line easements and streetlight placement.
- F. Fire hydrants with the number and location as required by the fire/safety codes shall be active and accessible prior to initiation of any framing activity in Phase 2 of the subdivision.

Attachment: Final Plat – Attachment 'A' – 2 pages

Gayle M. Malmquist, Development Services Coordinator

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-120

A RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN UTILITY EASEMENT RIGHTS NORTH OF AVENUE G AND SOUTH OF AVENUE J BETWEEN NORTH 14TH AND NORTH 15TH STREETS, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, on April 14, 2008, the City Council adopted Resolution 08-93. Said Resolution expressed the city's intent to dispose of certain utility easement rights in property conveyed to the Pottawattamie County Development Corporation and to be platted a Legacy Family Campus Subdivision Phase 2; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the reserved utility easements between North 14th Street and North 15th Street in vacated Avenue H and the vacated alley between Avenue H and Avenue I and the vacated alley between Avenue I and Avenue J are hereby permanently abandoned. The reserved permanent utility easement in Avenue I between North 14th Street and North 15th Street is also abandoned except as to the South 50 feet of Avenue I ; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this Resolution and other related documents to the Pottawattamie County Recorder.

ADOPTED
AND
APPROVED April 28, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Denny G. Nelson	Resolution of Intent No. <u>08-94</u> Resolution to Dispose No. <u>08-121</u>	Set Public Hearing: 04/14/08 Public Hearing: 04/28/08
Subject/Title Request of Denny G. Nelson, 1324 Pleasant Street, to purchase 1314 Pleasant Street (Legal Description: The North 39 feet of the East 10 feet of Lot 8 and the North 39 feet of Lot 9, Block 15, William's 1 st Addition).		
Background/Discussion Denny G. Nelson has submitted an Offer to Buy the property at 1314 Pleasant Street which the City acquired pursuant to a Court Order filed in January, 2008. The subject property measures 39 feet by 60 feet (2,340 square feet) and is zoned R-3/Multi-family Residential. The residential structure on the lot has been razed. Mr. Nelson owns the property directly to the south and would like to acquire the subject property and combine it with his. Mr. Nelson has offered \$381.00 for the property which is in accordance with City policy for disposing of public right-of-way. The department feels this amount is insufficient and that the property should be disposed of for \$2,540 which represents a cost of \$0.50 per square foot, closing costs and outstanding liens and property taxes.		
Recommendation The Community Development Department recommends setting a public hearing on the disposal of the North 39 feet of the East 10 feet of Lot 8 and the North 39 feet of Lot 9, Block 15, William's 1 st Addition to Denny G. Nelson.		
Attachment: Picture and location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		

OFFER TO BUY - 1314 PLEASANT





Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-121

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS THE NORTH 39 FEET OF THE EAST 10 FEET OF LOT 8 AND THE NORTH 39 FEET OF LOT 9, BLOCK 15, WILLIAM'S 1ST ADDITION..

WHEREAS, this City Council previously expressed its intent to dispose of 1314 Pleasant Street, legally described as the North 39 feet of the East 10 feet of Lot 8 and the North 39 feet of Lot 9, Block 15, William's 1st Addition; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Denny G. Nelson and all successors in interest: The North 39 feet of the East 10 feet of Lot 8 and the North 39 feet of Lot 9, Block 15, William's 1st Addition for the sum of (to be determined).

ADOPTED
AND

APPROVED: April 28, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>5995</u>	First Reading <u>04/14/2008</u> Second Reading <u>04/28/08</u> Third Reading
Subject/Title		
That 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled "Buildings and Construction" is amending Chapter 13.21 entitled "Property Maintenance Code", by adding Section 13.21.068 entitled "Section 308 amended – Extermination" which shall be codified.		
Background/Discussion		
<p>The Property Maintenance Inspector, the Director of Health, and representatives of the Landlords Association met on March 17, 2008, to discuss amending the text concerning extermination in the Property Maintenance Code. Donn Dierks, Don Angerth, Tim Hewett, Roger Wahl, and Maureen Eiler discussed alternative measures and resolutions. Currently the occupants are responsible for keeping the unit pest free. In the meeting there was an expressed interest in the subject of extermination from the Landlord's point of view. The landlords wanted some input. The landlords didn't want to feel like they were being punished for all of the bad landlords. The members of the Landlords Association made it clear that they felt the owners should be responsible. The Landlords Association contributed to what is proposed and sent a letter to the City stating that they support the change. This may not please all the landlords but, in order to effectively treat the problem, it was a consensus opinion of the group that the current code should be changed.</p> <p>About 20% of the rental housing complaints that the City receives have to do with bugs and especially roaches. Currently, the code makes extermination the occupant's responsibility once they take possession of the apartment or property. Currently, the owner is only responsible when the property is vacant and for the common areas. The inspector cannot determine if roaches get into a structure before or after it was occupied. The Director of Health stated that if only one apartment is sprayed, the roaches will relocate and not die, but continue to reproduce. The Health Department contends that an infestation is if you see two or more roaches in broad daylight, because bugs are nocturnal.</p> <p>The City suggested to the Landlord Association that if an infestation was found in an unsanitary living condition, that would make spraying the tenants responsibility. But the landlords still wanted spraying to be the owner's responsibility. The Landlords also discussed if an apartment is infested, they could first treat that unit plus the surrounding apartments, above, on both sides, and below. If this didn't abate the problem then the entire building would be exterminated. According to the Landlord Association proposal, if the presence of insects and/or rodents are</p>		

found then the Building Owner (not the tenant) will be responsible for extermination of the building (entirely if necessary).

In the Landlord Association meeting of March 19, 2008, the board agreed and signed a letter for amendments to Section 308 of the Property Maintenance Code. The City takes no objection to the Landlords Association proposal.

Recommendation

The Director of Public Works, the Director of Health, and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.

Public Works Director's Signature

Mayor's Signature

Building Official's Signature

ORDINANCE # 5995

AN ORDINANCE to amend 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled “Buildings and Construction” Chapter 13.21 entitled “Property Maintenance Code” by adding Section 13.21.068 entitled “Extermination” to be codified.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. AMENDMENTS.

That 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled “Buildings and Construction” is amending Chapter 13.21 entitled “Property Maintenance Code”, by adding Section 13.21.068 entitled “Section 308 amended – Extermination” which shall be codified and read as follows:

Section 13.21.068 – Extermination.

Section 308 - shall be amended as follows:

Section 308 EXTERMINATION

Section 308.1 – Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Section 308.2 – Owner.

The owner of any structure shall be responsible for extermination of the entire ~~within the~~ structure ~~prior to renting or leasing the structure.~~

~~Section 308.3 – Single Occupant.~~

~~The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for extermination on the premises.~~

~~Section 308.4 – Multiple Occupancy.~~

~~The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.~~

~~Section 308.5—Occupant.~~

~~The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.~~

~~—Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.~~

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication

(- -08) as by law provided.

PASSED

AND

APPROVED: _____, 2008

Thomas P. Hanafan, Mayor

Attest: _____

Judith H. Ridgeley, City Clerk

First Consideration: April 14, 2008

Second Consideration: April 28, 2008

Third Consideration: _____

*Municipal Housing Agency
505 South 6th Street
Council Bluffs, Iowa 51501
712-322-1491 Office
712-322-9081 Fax*

March 14, 2008

Mayor Tom Hanafan
City of Council Bluffs
209 Pearl Street
Council Bluffs, Iowa 51501

Tom,

We seem to be in a lack of understanding related to the City's Elderly Housing Facilities that we operate as a municipality of the City of Council Bluffs and the Rental Inspection Office.

The Rental Inspection Office I believe is acting with good intentions but under the premise that we are a privately owned entity and not knowing that we are in fact a municipality of the City Government operating Public Housing Facilities created by the City. There may be some oversight as to whether the Public Housing Facilities should be registered along with the privately owned property.

I don't think we have a problem in demonstrating that our facilities meet rental inspection criteria and that we do in fact provide for regular inspections as well as a quality maintenance program. As you know we have a contractual obligation with HUD to provide inspections in the two elderly housing complexes and the Section 8 program citywide. Our total HUD inspections are well over 1,000 annually.

The issue of the City charging rental property fees on public property operated by the City's Municipality, the Municipal Housing Agency, does not seem to make sense. It puts additional financial burden on the budget we operate under and does nothing more than remove HUD funding intended for programs that assist our citizens who are very low income, elderly and disabled.

I think it makes perfect sense for the Agency to ask for a waiver or fee exemptions in our case. I believe we were a cooperating City Department several years back when the Rental Inspection Office was created and also identifying our Section 8 inspection criteria as a cooperating effort for private landlords when developing the ordinances and inspection program.

Is there a necessity for a language change to amend the ordinance exempting the City's Municipality operating Public Housing Facilities? Our opinion is that we are operating public property under the Municipal Code and City Ordinance that created the Municipality, and that the ordinance for privately owned rental property with fees is intended to provide revenue to the City from the private sector and not intended to extract funds from HUD subsidies intended for the elderly and disabled.

The Board of Commissioners met yesterday at Regal Towers for the regular monthly meeting. There was no action to approve a payment to the City Treasurer for rental inspection fees until we make some attempt with your office for consideration of exemption of fees. The board also felt it would be in the best interest to recognize the requirement for registration of our properties and make a cooperative effort in information sharing related to all of our HUD inspections for the Section 8 participating landlords and our two elderly facilities.

We would like to invite you to the next regular meeting for an informal discussion you might have concerning this matter or anything that comes to mind related to the Agency itself. I'll follow up with you next week and pay you a visit.

Best regards,

A handwritten signature in cursive script that reads "Rob- Stephens".

Robert Stephens
Executive Director

RS/rs

Attachment; letter from Public Works

BOARD MEETING MINUTES

Council Communication

Department: Legal	Ordinance No. <u>5996</u>	First Reading <u>4/28/2008</u>
Case/Project No.	Resolution No.	Second Reading _____ Third Reading _____
Subject/Title		
An Ordinance to amend Chapter 1.10 "Administration and Personnel" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing and reenacting Section 1.10.020 "Compensation of Mayor".		
Background/Discussion		
At the request of Councilmember Walsh, an ordinance has been prepared that will increase the salary of the Mayor to \$93,369 per year, effective January 1, 2010. The ordinance also provides for a 3.5% annual increase thereafter.		
The salary of the Mayor has not increased since 2005. On July 1, 2008, the pay range for department heads will be \$77,550-\$98,976.		
Recommendation		
Pass and approve the proposed amendment to the Mayor's salary.		

Department Head Signature

Mayor Signature

7A

ORDINANCE NO. 5996

AN ORDINANCE to amend Chapter 1.10 “Administration and Personnel” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing and reenacting Section 1.10.020 “Compensation of Mayor”.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.10 “Administration and Personnel” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 1.10.020 “Compensation for Mayor”, to read as follows:

“1.10.020 Compensation for Mayor. ~~Effective January 1, 2002, the compensation for the mayor shall be seventy three thousand dollars (\$73,000.00). Compensation for the mayor shall increase as follows: January 1, 2003—seventy four thousand eight hundred twenty five dollars (\$74,825.00); January 1, 2004—seventy six thousand six hundred ninety five dollars (\$76,695.00); January 1, 2005—seventy eight thousand six hundred fifteen dollars (\$78,615.00).~~ Effective January 1, 2010, the compensation for the mayor shall be \$93,369.00. Thereafter, compensation for the mayor shall increase on January 1 of each year at the rate of 3.5% annually.”

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5643, Section 1, 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: April 28, 2008

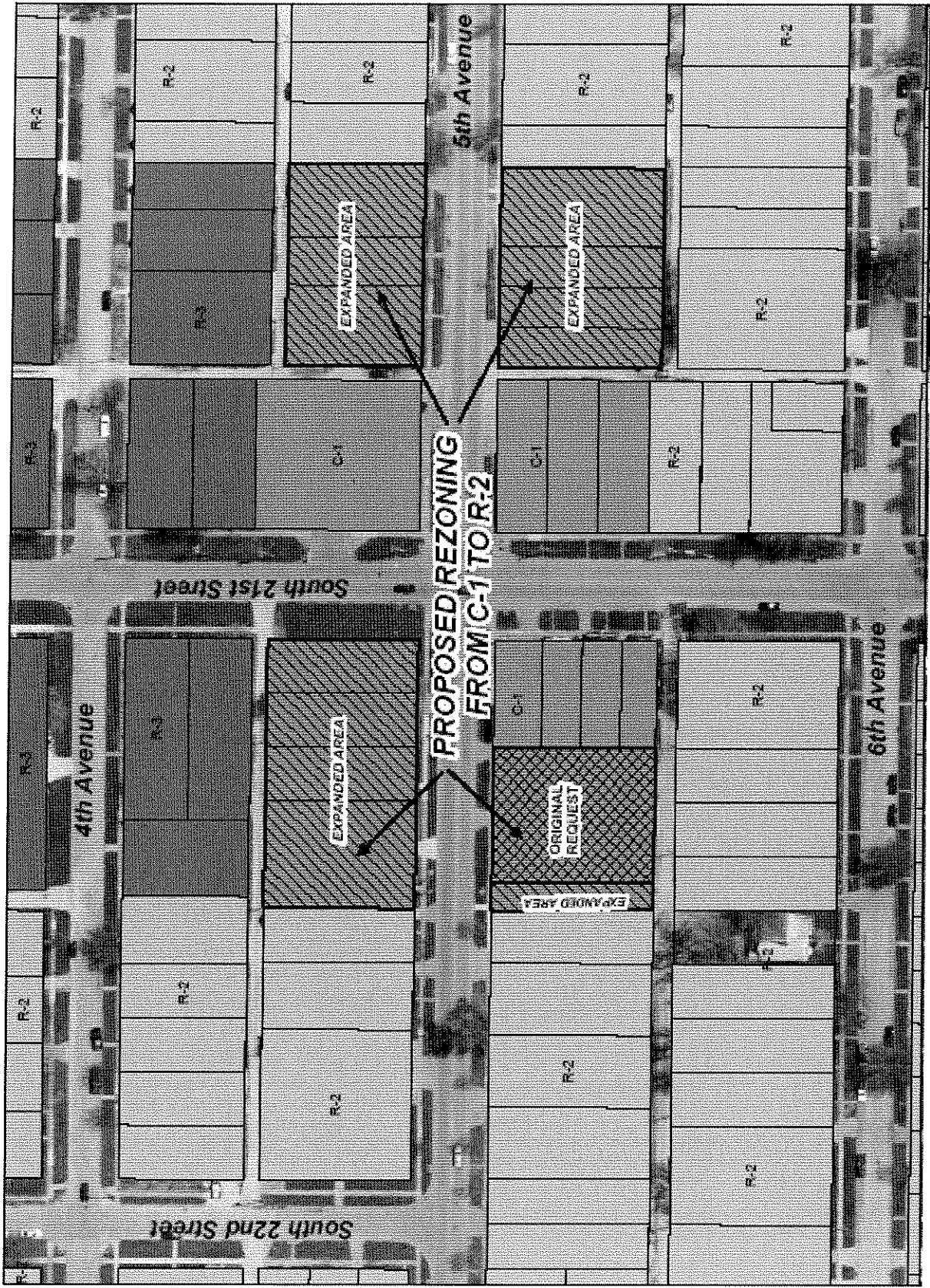
Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

Council Communication

Department: Community Department Case No. ZC-08-008 Applicant: Robert Daley and Community Development Department	Ordinance No. <u>5997</u>	Council Meeting: April 28, 2008 Planning Commission: April 8, 2008 First Reading: <u>April 28, 2008</u> Second Reading: Third Reading:
<p style="text-align: center;">Subject</p> <p>Request of Robert Daley, 28837 Highway 6, Treynor, IA 51575 to rezone Lots 3, 4 and the East ½ of Lot 5, Block 5, Squire's Addition from C-1 Commercial to R-2/Two Family Residential. The Community Development Department expanded the area to include Lots 1 through 5, Block 1 and the West ½ of Lot 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition. These properties are located along 5th Avenue, east and west of South 21st Street as shown on the attached map.</p>		
<p style="text-align: center;">Background</p> <p>Robert Daley is the legal option holder of Lots 3, 4 and the East ½ of Lot 5, Block 5, Squire's Addition. This property, which is currently vacant, is located on the south side of 5th Avenue, west of South 21st Street (shown as original request) and is zoned C-1 Commercial. Mr. Daley is requesting the property be rezoned to R-2/Two Family Residential in order to allow the construction of two single-family structures. The Community Development Department expanded the request to include rezoning Lots 1 through 5, Block 1 and the West ½ of Lot 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition in order to bring 11 residential structures into compliance with the Zoning Ordinance.</p> <p>Land uses surrounding the subject properties are all residential in nature with the exception of the northeast, southeast and southwest corners of the intersection of 5th Avenue and South 21st Street which are a mixture of commercial and residential uses. Surrounding zoning is shown on the attached map.</p> <p>Phyllis Harms, 2014 5th Avenue, contacted staff in opposition of rezoning her home to a residential classification because she is considering reopening her dog grooming business at this location. Following certain regulations, dog grooming can be considered a home occupation. No other property owner is opposed to the proposed rezoning.</p>		
<p style="text-align: center;">Discussion</p> <p>The proposed rezoning will allow the construction of two single family structures on property which is currently vacant and will bring 11 residential uses into compliance with the Zoning Ordinance. Three of the four corners of this intersection will remain C-1 to allow for the continuation of the existing neighborhood commercial uses.</p>		
<p style="text-align: center;">Recommendation</p> <p>The Community Development Department recommends rezoning Lots 1 through 5, Block 1, Lots 3, 4, and 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition from C-1 Commercial to R-2/Two Family Residential.</p>		
<p style="text-align: center;">Public Hearing</p> <p>Robert Daley, 28837 Highway 6 appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
<p style="text-align: center;">Planning Commission to City Council</p> <p>The Planning Commission recommends rezoning Lots 1 through 5, Block 1, Lots 3, 4, and 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition from C-1 Commercial to R-2/Two Family Residential.</p>		
VOTE: Aye 8 Nay 0 Abstain 0 Absent 2 Vacant 1 Motion Carried.		
Attachments: Map showing proposed rezoning area and surrounding zoning.		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



CASE #ZC-08-008

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5997

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED ALONG 5TH AVENUE EAST AND WEST OF SOUTH 21ST STREET IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS C-1/COMMERCIAL TO R-2/TWO FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.14 AND 15.09 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located along 5th Avenue, east and west of South 21st Street, as shown on the Attachment, and legally described as follows:

Lots 1 through 5, Block 1, Lots 3, 4, and 5, Block 5, Squire's Addition, along with Lots 12 through 17, Block 3, and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as C-1/Commercial to R-2/Two Family Residential, as set forth and

defined in Chapters 15.14 and 15.09 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: April 28, 2008

SECOND CONSIDERATION: _____

PUBLIC HEARING: _____

THIRD CONSIDERATION: _____

Planning Case No. ZC-08-008

Council Communication

Department:	Ordinance No. <u>5998</u>	First Reading <u>4/28/2008</u>
Case/Project No.	Resolution No. _____	Second Reading _____
		Third Reading _____
Subject/Title		
<p>AN ORDINANCE to amend Chapter 17.09 "Inspections" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 17.09.020 "Landlord and operators of rental property to register with city" to waive rental registration fees for property managed through the Municipal Housing Agency of Council Bluffs.</p>		
Background/Discussion		
<p>The Municipal Housing Agency has expressed concern over registering the public housing facilities that they manage and paying the rental property registration fee. They have requested that the registration fees be waived for their facilities. See attached letter.</p>		
Recommendation		

Department Head Signature

Mayor Signature

7C

ORDINANCE NO. 5998

AN ORDINANCE to amend Chapter 17.09 “Inspections” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 17.09.020 “Landlord and operators of rental property to register with city” to waive rental registration fees for property managed through the Municipal Housing Agency of Council Bluffs.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 17.09, entitled “Inspections”, of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 17.09.020 “Landlord and operators of rental property to register with city”, to read as follows:

- “17.09.020 Landlord and operators of rental property to register with city.**
- (a) All landlords and operators of rental property shall register their rental properties with the city. Each unit will be required to be registered annually. The registration shall be due January 1st, and there will be no penalty so long as all rental properties are registered prior to March 1st.
- (b) The city will provide an application form which must be completed and updated upon request. The following information shall be provided to the city:
- 1) The street address of the dwelling or roominghouse;
 - 2) The number of rental units contained in the dwelling or roominghouse; and
 - 3) The name, address and telephone number of the owner and any agent of the owner of the dwelling or roominghouse.
- (c) A registration fee shall be paid, as set forth in the current schedule of fees as adopted by the city council. Rental registration fees for property managed through the Municipal Housing Agency of Council Bluffs shall be waived.
- (d) Upon receipt of the application and fee, the city shall provide to the applicant a sticker evidencing the fact that the unit has been registered and the landlord/operator shall cause said sticker to be posted on the rental property in a location approved by the city.
- (e) If a rental property is not registered by March 1st of each year, an administrative fee shall be added to the registration fee. This administrative fee shall be one dollar per day for each unit. The total amount of registration fee and an administrative fee per unit shall be thirty-five dollars (\$35.00) maximum.
- (f) No person shall rent to another or offer to rent to another any dwelling, dwelling unit or rooming unit unless the owner or operator of the same has registered the rental property with the city and posted the sticker evidencing said registration on the subject property.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5661 § 1, 2001.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

First Consideration: April 28, 2008

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____